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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,407	10/31/2003	Kuo-Juei Peng	252011-1760	2106
47390 7590 04/01/2009 THOMAS, KAYDEN, HORSTEMEYER & RISLEY LLP 600 GALLERIA PARKWAY, 15TH FLOOR ATLANTA, GA 30339				
EXAMINER				
FISHER, MICHAEL J				
ART UNIT		PAPER NUMBER		
3689				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/699,407

Applicant(s)

PENG ET AL.

Examiner

MICHAEL J. FISHER

Art Unit

3689

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,8,11,12,14-19,23,26,27,29-34,38,41,42,44,45 and 53 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,8,11,12,14-19,23,26,27,29-34,38,41,42,44,45 and 53 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1,3,4,8,11,12,14-19,23,26,27,29-34,38,41,42,44,45 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 7,237,266 to Aaron.

As to claims 1,16,31, Aaron discloses a computerized reliability assessment system (title), using the Internet (col 3, lines 15-18) with an interface to receive input items that are selected (software in the computer), which software is inherently on a "semiconductor product", an assessment engine (206), and generates a result and displays this on the interface (the software running the computer, computer, figs 6A and 6B). The selection is of at least one data item ("Does it work?"), among data items for the assessment item. The assessment necessarily corresponds to the selected item or else it would be assessing an item for which no assessment is asked and further, the

user does not have to specify which aspect of the item (data item) is to be assessed, merely that the assessment item is assessed. Aaron does not, however, specifically mention the manufacturing process as being assessed. It would have been obvious to one of ordinary skill in the art to include the manufacturing process as an assessment item as the process could produce faulty chips and without using the process in the system, it would be much more difficult to find out why a system keeps failing the assessment if the manufacturing process is the cause and it is not assessed. Aaron further discloses displaying a plurality of data items corresponding to the item (abstract, lines 1-6), these items are used to assess the selected item (abstract lines 6-10), the specific number would be a matter of obvious, engineering design choice.

As to claim 53, Aaron discloses a computerized reliability assessment system (title) with a first interface to receive input items (software in the computer), a second interface is assessment engine (206), and generates a result and displays this on the interface (the software running the computer, computer, figs 6A and 6B).

As to claims 2,17,32, the interface is a web-based interface (214, 104, as best seen in fig 2).

As to claims 3,18,33, there is a database for storing the data (208).

As to claims 4,19,34, there is an email server (col 9, lines 56-59).

As to claims 21, the result is generated (inherently as the reliability is assessed).

As to claims 11,26,41, determining early failure is one of the purposes of the system (col 1, lines 23-29).

As to claims 12,27,42 the input inherently comprises technology (the system is for electronic products) and specifications (inherent in that the specifications are needed to study the product).

As to claims 43, Aaron does not specifically teach the system as being for a semiconductor. Aaron does, however, teach using it for electronic products, which group includes semiconductor products. Therefore, it would have been obvious to one of ordinary skill in the art to use the system for a semiconductor product as it is shown to be useful for electronic products.

As to claims 8,23 and 38, as best understood, there is human computer interaction (abstract, line 8).

As to claims 14,29,44, the "technology" is inherently the geometry of the product, as the geometry affects the working of the product.

As to claims 15, 30,45, Aaron further teaches assessing the lifetime of the product (failure being the end of the lifetime) but does not specifically mention voltage. However, as the product is an electronic product, it would have been obvious to one of ordinary skill in the art to use the voltage of the product as electronic products use electricity and the voltage can affect the lifetime.

Response to Arguments

Applicant's arguments filed 12/27/08 have been fully considered but they are not persuasive. As to arguments in relation to the amendment, these have been addressed in the above rejection. As to arguments that items would not be chosen, the examiner

disagrees. Either every item, everywhere is assessed, or the items are chosen somehow. There is no other way for the system to operate. As the "specific number of data items" are neither described nor explained, the limitation is very broad and has been treated. As a user is shown to use the system, the user must see what is being assessed or the user could not use the system. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the different scenarios that could flow from the choice of parameters) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As to arguments that the assessment is "...performed according to the input items of the unselected data items, ..." is also not present in the claims, there is a similar limitation, such as in claim 1, "...receive input items corresponding to the data items without the specific data item...", this is not the same thing. This means that there are different data received and assessed, as discussed above. Further, the limitation as to the manufacturing has been addressed in the above rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. FISHER whose telephone number is (571)272-6804. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3689

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MF
3/30/09

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689
3/30/09